REMARKS

In the Advisory Action, the Examiner maintains the rejection of claims 1-27 presently on file.

More specifically, in the ground (A) of the Advisory Action, the Examiner responded to our argument that Oki fails to teach a network cluster having at least two nodes and each node handling separate sets of a data packet. The Examiner alleged that the then-existing claim language fails to clearly re-cite that the data packets at a specific node are different than those of another node, the claims merely re-citing that the nodes handle separate data packets and does not teach that different packets are in fact different types of packets.

We respectfully disagree. The present claims clearly disclose that each node in the network element cluster handles separate sets of data packets, see claim 1 lines 3 and 4. Also lines 19 -20 in claim 1 discloses that different sets of data packets are distributed among the nodes of the network element cluster. The term "set of data packets" is, on the other hand, defined in the specification on page 9 lines 14 to 18, to refer to data packets, which are related to each other, such as data packets of a packet data connection, data packets of a communication session comprising a plurality of packet data connections, data packets of a plurality of packet data connections of a secure tunnel, or any other suitable set of data packets. Therefore, the term "different sets of data packets" employed in the present claims unambiguously state (by the rules of claim interpretation) that a network cluster has at least two nodes and that only certain data packets are handled by certain nodes and not by other nodes.

Oki fails to teach this limitation.

In grounds (B) of the Advisory Action, the Examiner responded to our argument that Oki fails to teach maintaining in a first node a first, node-specific data structure comprising entries representing state information needed for handling sets of data packets handled in the first node. More specifically, the Examiner alleges that Oki teaches that each node may contain a HA PDT server that house data relating to the specific node that the HA PDT sever is located on (Figure 3, column 7, lines 20-42).

We respectfully disagree. The Oki HA PDT server contains only a list of server nodes within clustered computing system, so that the HA PDT server is able to distribute packets between the nodes. The HA PDT server does not contain any first node maintaining a first, node specific data structure comprising entries representing state information needed for processing sets of data packets handled in the first node.

In ground (C) of the Advisory Action, the Examiner responded to our argument that Oki fails to teach maintaining in the first node, in addition to the node specific data structure, a second, common data structure. More specifically, the Examiner alleges that the claimed limitation fails to clearly to re-cite whether the first data structure and second data structure are two different data structures and totally separate from each other.

We respectfully disagree. Claim 1, lines 11 to 18 quoted below, state that the contents of said common data structure effectively differs from the contents of said node-specific data structure. In particular, claim 1 recites:

maintaining in said first node, in addition to said node-specific data

structure, a second, common data structure comprising at least entries representing state information for data packets handled in at least one other node of said network element cluster, **the contents of said common data structure effectively differing from the contents of said node-specific data structure and including copies of all state information entries maintained in a node-specific data structure of said at least one other node and needed for handling sets of data packets in said at least one other node** (emphasis ours)

The language in bold clearly states that the first node maintains both a node-specific and a second common data structure and that each pertains to different sets of data packets.

Moreover, it seems that the Examiner has attempted to split the list of server nodes within clustered computing system into a first portion which contains the identifier of first node in the cluster, and a second portion which contains the identification of other nodes in the cluster.

We respectfully point out that this is incorrect. First, the node list is not the same as the either of the first and second data structures (node specific and common data structures) according to the invention. The node specific data structure stored in each node comprise entries representing state information needed for handling sets of data packets in that particular node. The common data structure in each node is state information of packets handled in other nodes of the cluster.

Second, the Examiner is distorting the whole idea of the present invention, i.e. to have the first and second data structures for state information stored in each node and organized in a specific way. The Examiners statements on the relevancy of Oki are based solely of the hindsight given by the reading of the present application. Oki does not really teach or suggest the invention and the Examiner is reading teachings into Oki which are not there using hindsight reconstruction and

incorrect conclusions about what Oki teaches.

In ground (D) in the Advisory Action, the Examiner responded to our argument that Oki fails to teach dynamically changing distribution of at least one set of data packets from said at least one other nodes to said first node of the network element cluster, and providing said first node with respective changed distribution information, and in response to said changed distribution information, selecting the state information entries of said at least one re-distributed set of data packets from said second common data structure and transferring them to said first node-specific data structure of said first node.

The Examiner further states that "the re-distributed data packets are transferred out of the common data structure to the node-specific data structure". This in an incorrect reading of the claims at bar. **In the present claims, the data packets are not transferred but the state information relating to the set of data packets is transferred from the common data structure to the node-specific data structure. The data packets themselves (as opposed to the state information pertaining to them) are transferred from one of the other nodes to the first node.**

The Examiner refers to column 7, lines 34-55 in Oki as disclosing that when an HA PDT server fails, the similar list of server nodes within the clustered computing system is also available in a secondary PDT server, so that the secondary PDT server is able to take the place of the primary PDT server which failed.

This is a server fail-over mechanism and has nothing to do with the claimed invention. That claimed invention is selecting, in response to changing distribution

information, the state information entries of the at least one re-distributed set of data packets from said second common data structure of the first node and transferring them to the first, node-specific data structure of the same first node so that data packets formerly handled by another node and now transferred to the first node can be properly processed by the first node.

Therefore, Oki fails to teach also this feature of invention as claimed.

However, the claims have been amended slightly to more clearly point out differences over Oki. Claims 1 and 23 are amended to more clearly state that the sets of data packets handled in the node are different from the sets of data packets handled in any other node of said network element cluster, and that each set of data packets contains data packets related to each other. Claim 14 is further amended to more specifically to define that the data packets in a set of data packets are related to each other in one or more in the following range: data packets of same packet data connection, data packets of same communication session comprising a plurality of packet data connections, and data packets of a plurality of packet data connections of same secure tunnel.

Respectfully submitted,

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